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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

K. H., on behalf of himself and those similarly
situated,

Plaintiff,

v.

Secretary of the Department of Homeland
Security

Defendant.

Case No.: 3:15-cv-02740-JST

ADMINISTRATIVE MOTION TO SEAL DOCUMENTS PURSUANT TO CIVIL LOCAL
RULES 7-11 AND 79-5(d)

Pursuant to Civil Local Rules 7-11 and 79-5(d) Plaintiff hereby moves the Court to file the
following document, or portions thereof, under seal:

Certain portions of Paragraph 15 of the complaint on file herein,
dated June 18, 2015.

This motion is supported by the Declaration of Nicholas M. Wieczorek in Support of
Plaintiff's Administrative Motion to Seal Documents Pursuant to Civil Local Rules 7-11 and 79-
5(d)¹ and the parties' Stipulation in Support of an Administrative Motion to Seal Documents

¹ **Exhibit "A"** - Declaration of Nicholas M. Wieczorek in Support of Plaintiff's Administrative Motion to Seal
Documents Pursuant to Civil Local Rules 7-11 and 79-5(d).

Pursuant to Civil Local Rules 7-11, 7-12, and 79-5(d).²

Civil Local Rule 79-5 governs the filing under seal of entire documents or portions of documents that contain material that is “privileged or protectable as a trade secret or otherwise entitled to protection under the law.” Civ. L. R. 79-5 (a)-(c). If a party wishes to file a document that has been designated confidential by another party pursuant to a protective order, or if a party wishes to refer in a memorandum or other filing to information so designated by another party, the submitting party must file and serve an Administrative Motion for a sealing order.

In compliance with Local Rule 7-11 and 79-5(d), Plaintiff submits this Administrative Motion because he wishes wish to replace the current unredacted complaint on file with a redacted version because the unredacted version of the complaint contains information that the government considers to be Sensitive Security Information (“SSI”) under 49 C.F.R. Part 1520. SSI is a specific category of information that requires protection against unauthorized disclosure pursuant to 49 U.S.C. § 114(r) and 49 C.F.R. Part 1520. Unauthorized disclosure of SSI may be detrimental to the security of transportation, may constitute an unwarranted invasion of personal privacy, or may reveal a trade secret or privileged or confidential commercial or financial information. Unauthorized disclosure may also result in a civil enforcement penalty or other enforcement action by the Transportation Security Administration (“TSA”) against the party making the unauthorized disclosure. 49 C.F.R. § 1520.17.

Plaintiff filed his unredacted Complaint on June 18, 2015³ and Plaintiff now seeks to replace the filing with a redacted version of the complaint. Specifically, Plaintiff seeks to redact certain portions of Paragraph 15 that the government construes as SSI, as detailed in Exhibit “D.”⁴ Plaintiff seeks to file a redacted version of the complaint in deference to the government’s good faith belief that Paragraph 15 may contain SSI. Notably, defendant Secretary of the Department of Homeland Security has stipulated to the need of the instant motion. *See*, Exhibit

² Exhibit “B” - Stipulation for an Administrative Motion to Seal Documents Pursuant to Civil Local Rules 7-11 and 79-5(d).

³ Exhibit “C” – Unredacted Complaint (DOC 1), filed June 18, 2015.

⁴ Exhibit “D” – Redacted Complaint, to be filed

1 “B.” In accordance with Local Rule 79-5(d)(B), attached as Exhibit “E” is a proposed order that
2 is narrowly tailored to seal only the sealable portions of the complaint on file herein.⁵

3 Plaintiff respectfully submits this administrative motion pursuant to Local Rules 7-11 and
4 79-5 and hereby requests the Court to grant the motion and to replace the complaint on file herein
5 with Exhibit “D,” which redacts certain portions of Paragraph 15.

6 DATED this 18 day of August 2015.

7
8 MORRIS POLICH & PURDY LLP

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10 By: 

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28 ⁵ Exhibit “E” – Proposed Order.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of Morris Polich & Purdy LLP, and that on this 18th day of August, 2015, I served a true and correct copy of the foregoing **ADMINISTRATIVE MOTION TO SEAL DOCUMENTS PURSUANT TO CIVIL LOCAL RULES 7-11 AND 79-5(d)** in the United States District Court for the Northern District of California, San Francisco Division by way of the Court's CM/ECF efileing eservice system, and that service will be made electronically to all registered parties and/or their counsel.

Further, a true and correct copy was served by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada to:

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